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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,497	03/12/2004	Chen-Yuan Chiu	24061.71	8251
42717	7590	09/04/2007		
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			EXAMINER BAYOU, YONAS A	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 09/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/799,497	CHIU, CHEN-YUAN
	Examiner Yonas Bayou	Art Unit 2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 24 July 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07/24/2007 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s), *Not marked* *WY*

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This office action is in response to applicant's response filed on 07/24/2007.
2. Claims 1-20 are pending.
3. Claims 1, 4, 6, 11, 15, 17 and 20 are amended.
4. Applicant's arguments have been fully considered but they are not persuasive.
5. Examiner treats "the message" and "the email" as the same.
6. When responding to the Office action, Applicant is advised to clearly point out the patentable novelty the claims present in view of the state of the art disclosed by the reference(s) cited or the objection made. A showing of how the amendments avoid such references or objections must also be present. See 37 C.F.R. 1.111(c).

### **Response to Arguments**

1. Applicant, on page 10, lines 11-12, argues " Sparks does not teach determining if a message has been received from a remote location through a network messaging system." of independent claim 1.

Examiner respectfully disagrees and asserts that Sparks discloses that delivering message to the computer user via a wireless connection.

2. Applicant, on page 10, lines 27-28, argues "Sparks does not teach monitoring an email system for a message; determining whether a message has been received..." of independent claim 10.

Examiner respectfully disagrees and asserts that Sparks discloses transmission of a message to real messaging device (see abstract).

3. Examiner, however, in light of the above submission maintains the previous rejections while considering the amendments to the claims as follows:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sparks et al., Patent No. US 6,256,008 (hereinafter Sparks).

Referring to claims 1, 4, 10, 13, 14 Sparks teaches a system and a method for providing secure access to a message on a digital device using a screen saver, the method comprising:

activating the screen saver if no activity is detected within a predefined period of time [column 1, lines 28-44; the screen saver operates during the period when the computer is idle which is inherently activating the screen saver if no activity is detected within a predefined period of time];

determining if a message has been received from a remote location through a network messaging system [column 1, line 53-column 2, line 8; the user is notified when a message is received and the screen saver is active];

determining whether the screen saver is active [column 4, lines 10-41; fig. 3; identifying a message notification configuration if a message is received and the screen saver is active, wherein the message notification configuration identifies at least one user-defined destination at which a user is to be notified [column 4, lines 10-41; fig. 3; the user is notified when a message is received and the screen saver is active];

notifying the user of the received message at the destination [column 4, lines 10-41; fig. 3; column 4, lines 47-54];

executing an authorization routine to determine whether the user has entered a correct authorization code [column 4, lines 10-41; fig. 3-5; column 5, lines 46-57; the screen saver checks for a password inherently determine whether the user has entered a correct authorization code]; and

providing the message to the user at the destination without disabling the screen saver if the user has entered the correct authorization code [**column 2, lines 36-50; column 4, lines 10-41; fig. 1, 3-5; column 5, lines 46-57**; providing the message to the user as stated above is through a network].

Referring to claims 2 and 16, Sparks teaches the method further comprising displaying the message to the user without executing the authorization routine if the screen saver is not active [**column 4, line 47-54; column 5, line 57 – column 6, line 3; fig. 4 and 5**; the user can see the displayed message without executing the authorization code].

Referring to claim 3, Sparks teaches the method, wherein providing the message to the user at the destination includes determining if the message is to be delivered as a voice message or as a text message, and converting the message to a voice message if required [**column 3, lines 1-24 and fig. 1**; the message can be delivered as a voice message or as a text message].

Referring to claim 5, Sparks teaches the method, wherein the network includes a public branch exchange [**column 3, lines 1-67 and fig. 1**].

Referring to claims 6 and 17, Sparks teaches the method, wherein providing the message to the user without disabling the screen saver includes displaying the

Art Unit: 2134

message in a pop-up window that is accessible while the screen saver is active, wherein the message is an email message [column 4, lines 17-28; column 4, line 47-54; column 5, line 57 – column 6, line 3; fig. 3-5; displaying virtual notepad and pager (equivalent to an email a pop-up window) while the screen saver is active].

Referring to claims 7 and 18, Sparks teaches the method, wherein the pop-up window includes a plurality of message buttons that enable the user to respond to the message while the screen saver is active [column 4, lines 17-28; column 4, line 47-54; column 4, line 66 – column 5, line 8; and fig. 3-5; a plurality of message buttons that the user uses to respond].

Referring to claims 8 and 19, Sparks teaches the method, wherein the message can be deleted only after deactivating the screen saver [column 4, lines 3-6; once deactivating the screen saver, the computer resumes normal operation which is inherently delete the displayed message].

Referring to claim 9, Sparks teaches the method, wherein the entered authorization code is a biometric identifier, and wherein executing the authorization routine includes comparing the entered biometric identifier to a stored biometric identifier [column 5, lines 35-57; fig. 2; the user input is detected possibly a voice command and touch sensitive input device which is inherently a biometric identifier].

Referring to claim 11, Sparks teaches the method, wherein the predefined criterion is a priority of the received message [column 4, lines 10-17; fig. 3-4; the screen 300 is “locked” (equivalent to the predefined criterion) that is first the priority of the received message].

Referring to claim 12, Sparks teaches the method, comprising enabling the user to respond to the message while the screen saver is active [column 3, lines 57-61; column 5, lines 8-20; fig. 4; to execute function such as to “send” a message (equivalent to respond to the message) button used while the screen saver is active].

Referring to claim 15, Sparks teaches A system for providing secure access to a messages using a screen saver, the system comprising:  
a processor [column 3, lines 40-45; fig. 2];  
a memory accessible to the processor [column 3, lines 40-45; fig. 2]; and  
a plurality of instructions stored in the memory for execution by the processor,  
the instructions including:

an instruction for activating a screen saver if no activity is detected within a predefined period of time [column 1, lines 28-44];  
an instruction for determining if a message has been received from a remote location through a network messaging system [column 1, line 53-column 2, line 8;  
column 4, lines 10-41; fig. 3];  
an instruction for determining whether the screen saver is active [column 4,

**lines 10-41; fig. 3];**

an instruction for retrieving a message notification configuration if a message is received and the screen saver is active, wherein the message notification configuration identifies at least one user-defined destination at which a user is to be notified **[column 4, lines 10-41; fig. 3];**

an instruction for notifying the user of the received message at the destination **[column 4, lines 10-41; fig. 3; column 4, lines 47-54];**

; an instruction for executing an authorization routine to determine whether the user has entered a correct authorization code **[column 4, lines 10-41; fig. 3-5; column 5, lines 46-57];** and

an instruction for providing the message to the user at the destination without disabling the screen saver if the user has entered the correct authorization code code **[column 2, lines 36-50; column 4, lines 10-41; fig. 1, 3-5; column 5, lines 46-57].**

Referring to claim 20, Sparks teaches the method, wherein the system further comprises email software **[column 1, lines 6-9 and column 5, lines 26-34; the system uses messaging program which inherently email software]**.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonas Bayou whose telephone number is 571-272-7610. The examiner can normally be reached on m-f, 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yonas Bayou

YB



KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER